

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

KIM BROWN on Behalf of PATRICK
WALKER, a minor,

Plaintiff,

v.

OFFICER DIANA COLEMAN, OFFICER
KEITH IRVIN, UNKNOWN OFFICERS, and
the CITY OF CHICAGO,

Defendants.

No. 08-cv-2637

Judge Manning
Magistrate Judge Ashman

PLAINTIFF'S MOTION FOR DEFAULT

NOW COMES the PLAINTIFF, by and through Horwitz, Richardson, & Baker LLC, and hereby moves this Honorable Court for an entry of Default Judgment against Defendants City of Chicago, Officer Diana Coleman, and Officer Keith Irvin (hereinafter "Defendants"). In support of said motion, the Plaintiff states as follows:

1. On May 7, 2008, Plaintiff filed a Complaint at Law against Defendant City of Chicago (Docket No. 1).
2. On June 18, 2008, a summons and copy of Plaintiff's Complaint were properly served on Defendant City of Chicago and Defendant Keith Irvin, requiring the answer by July 8, 2008 pursuant to Rule 12 of the Federal Rules of Civil Procedure. (See Executed Summons, Docket No. 12).
3. Also on June 18, 2008, a process server properly served Defendant Diana Coleman at 3510 S. Michigan Ave., the office the City of Chicago designates to receive service for their police officers. (See Executed Summons, Docket No. 13.) The City of Chicago then subsequently sent a letter stating that service was refused based on

Diana Coleman being on leave. The City designates this location for service to avoid any problems or safety issues in process servers going to officers' homes or chasing them down on the job. To then refuse service, is disingenuous and manipulates the legal process. (See Exhibit A, letter from City of Chicago, Department of Police.)

4. As of the date of this filing, no attorney has entered an appearance for the City of Chicago or either of the individual Defendants.

WHEREFORE, the Plaintiff, Kim Brown, on behalf of Patrick Walker, respectfully requests that this Honorable Court enter a Default Judgment against Defendants City of Chicago, Officer Diana Coleman, and Officer Keith Irvin, and for any such further relief this Court deems fair and just.

Respectfully submitted,

s/ Amanda S. Yarusso
One of Plaintiff's Attorneys

HORWITZ, RICHARDSON & BAKER LLC

Two First National Plaza
20 S. Clark St. Suite 500
Chicago, Illinois 60603
Ph (312) 676-2100
Fax (312) 372-7076

EXHIBIT A



Richard M. Daley
Mayor July 28, 2008

Department of Police • City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

Jody P. Weis
Superintendent of Police

Horwitz, Richardson & Baker, LLC
20 South Clark St. Suite 500
Chicago, Illinois 60603

RE: Kim Brown v Officer Diana Coleman, et al.
08 C 2637

Dear Mr. / Madame

Please be advised that we are in receipt of the above captioned civil summons and complaints, unfortunately the Office of Legal Affairs can not facilitate service for "Officer Diana Coleman" because, she is on Leave of Absent (May 27, 2008). However the Office of Legal Affairs will attempt to facilitate service for the other named defendants.

Please contact Mrs. Emerald Yancy or Sgt Matt Brady at (312) 745-6115 if you have any questions.

Very truly yours,

A handwritten signature in black ink that reads "William E. Bazarek". The signature is written in a cursive, flowing style.

William E. Bazarek
First Asst. General Counsel

WEB:ey